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REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 3, 8, 17, 18, 23, and 31-35 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-35 are now pending in this application.

Claim Rejections under 35 U.S.C. 112

On page 3 of the Office Action, claims 3, 8, and 17-35 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Examiner points to various specifics in each of the rejected claims. By this Amendment, Applicants have amended 3, 8, 17, 18, 23, and 31-35 to overcome this rejection. Applicants respectfully request withdrawal of the rejection.

Claim Rejections under 35 U.S.C. 102

Claims 1-8.

On page 2 of the Office Action, claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Application 2002/0185071 (Guo). Applicants respectfully traverse the rejection. Guo fails to disclose, suggest, or teach Applicants' claimed invention as recited in claims 1-8, as amended. Further, Applicants reserve the right to swear behind Guo as a prior art reference.

In Paragraph [0025] and as shown in Fig. 6, Guo indicates that “the upper edge of conduit 30 includes a lip 76 which directs the cleaning fluid into teat cleaning chamber 38.” (emphasis added.) Claim 1, as amended, recites: “an applicator ... configured to apply fluid in a horizontal plane across the top of the shell.” In the present application, Applicant teaches:

[0063] In operation, both the control system 120 described with reference to FIG. 16 and the control system 170 are configured such that disinfectant and/or conditioning solution arrives at the teat after the milking vacuum is shut off and just as the teat is being disengaged from the teat cup. This timing is advantageous because if the vacuum hold on the teat is still present, any discharged solution could be drawn into the milk line. If the solution arrives after the teat is disengaged, the solution will miss the teat entirely. It is desirable that the solution be applied before the teat is fully removed from the teat cup so that solution is applied to the teat wall and end of the teat before the teat sphincter muscle recovers and while the teat orifice is still distended as a result of the milking action.

(Present application, Paragraph [0063], emphasis added.)

Guo only suggests providing cleaning fluid into the cleaning chamber. There is no suggestion or teaching of applying the fluid horizontally across the top of the teat cup shell, as required by claims 1-8. Without disclosing each and every limitation of the rejected claims, the rejection of claims 1-8 under 35 U.S.C. 102(a) based on Guo cannot be properly maintained. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-8, as amended.

Claims 31 and 33.

On page 3 of the Office Action, claims 31 and 33 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 4,924,809 (Verbrugge). Applicants respectfully traverse the rejection. Verbrugge fails to disclose, suggest, or teach Applicants' claimed invention as recited in claims 31 and 33, as amended.

As is clearly shown in Fig. 1 of Verbrugge, fluid in stream (denoted by the symbol S) comes through a connection 7 into the teat cup 1. In contrast, Claim 31 recites:

dispensing any one of disinfectant and conditioning fluid from the fluid line out of applicators across the tops of the teat cups, the dispensing commencing when the number of teat cups begin to disengage from the animal teats.

Verbrugge, like Guo, only suggests providing cleaning fluid into the cleaning chamber. There is no suggestion or teaching of dispensing the fluid across the top of the teat cup, as required by claims 31 and 33. Without disclosing each and every limitation of the rejected claims, the rejection of claims 31 and 33 under 35 U.S.C. 103(a) based on Verbrugge cannot be properly maintained. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 31 and 33.

Claim Rejections under 35 U.S.C. 103

On page 3 of the Office Action, claim 9 is rejected under 35 U.S.C. 103(a) as being obvious in view of Guo. Applicants respectfully traverse the rejection. Applicants reserve the right to swear behind Guo as a prior art reference.

Claim 9 depends from claim 1. As explained above with respect to the rejection of claims 1-8, Guo fails to disclose, suggest, or teach applying fluid horizontally across the top of the teat cup shell. Because claim 9 also requires this claim element, Applicants respectfully request withdrawal of the rejection of claim 9.

On page 3 of the Office Action, claims 32 and 35 are rejected under 35 U.S.C. 103(a) as being obvious in view of Verbrugge. Applicants respectfully traverse the rejection.

Claims 32 and 35 depend from claim 31. As explained above with respect to the rejection of claims 31 and 33, Verbrugge fails to disclose, suggest, or teach dispensing fluid across the top of the teat cup shell. Because claims 32 and 35 also require this claim element, Applicants respectfully request withdrawal of the rejection of claims 32 and 35.

Allowed Claims

Claims 10-16 are noted as allowed.

On page 4 of the Office Action, the Examiner indicated that claims 17-30 would be allowable if amended to overcome the rejections under 35 U.S.C. 112, 2nd paragraph. Applicants have made these amendments and, therefore, respectfully request allowance of claims 17-30.

The Examiner also indicates that claim 34 would be allowable if written in independent form to include all of the limitations of its base claim. Applicants, however, believe that the base claim for claim 34—claim 31 is allowable, for the foregoing reasons. Therefore, Applicants have not amended claim 34 to be independent.

Information Disclosure Citation

On page 4 of the Office Action, the Examiner indicates that references A, D and F were not checked due to possible incorrect citation of document numbers. Reference D (U.S. Patent No. 4,034,714) was correctly cited; however, Reference F should have been U.S. Patent No. 5,101,770 to Stevenson. Reference A is the correct patent number, but the patent should be listed under “Foreign Patent Documents” as a patent from the United Kingdom. A Corrected Information Disclosure Statement is submitted herewith including the corrected citations.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to

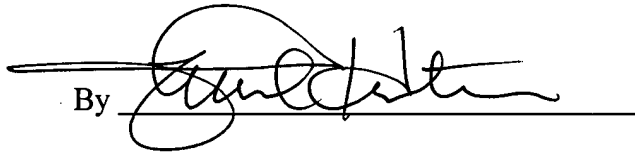
Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Respectfully submitted,

Date October 11, 2004

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By

A handwritten signature in black ink, appearing to read "Paul S. Hunter", is written over a horizontal line.

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